

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES, *et al.*,

Plaintiffs,

v.

GOOGLE LLC,

Defendant.

No. 1:23-cv-00108-LMB-JFA

**GOOGLE LLC'S SIXTH STATUS REPORT
REGARDING DOCUMENT REVIEW AND PRODUCTION**

Pursuant to the Court's Order of September 15, 2023, ECF No. 440, Google LLC ("Google") submits this report regarding the status of the review and production of documents impacted by the ingestion site issue (the "Impacted Documents"), *see* ECF No. 422.

Google has completed its production of responsive and non-privileged Impacted Documents, with the narrow exception of throwbacks, as described below. Between September 8 and October 6, 2023, Google produced a total of 1,995,869 documents. As discussed in previous reports, Google is preparing its privilege log and, as part of that process, will continue to identify any documents that can be produced in full or in part rather than withheld and, in those cases, produce (*i.e.*, "throwback") those documents. Google made a production of 148 throwback documents on October 13, and produced 357 throwback documents this week.

Although the governing ESI Order provides for production of privilege logs "within 45 days of each production," *see* ECF No. 142, ¶ V(1), Google is endeavoring to complete its privilege log preparation and throwback productions prior to that deadline. Google expects to

produce privilege logs on a rolling basis beginning on October 23.

In accordance with the Court's oral direction, on October 18, Google submitted verifications for two Google deponents. Both were submitted more than five days in advance of the witness' depositions scheduled for October 24 and October 30.

To ensure that there are no gaps in the productions, Google's outside counsel and its vendors—including KPMG, which was retained by Google and outside counsel to assist outside counsel in performing a confirmatory audit of Google's document production—have been confirming the steps taken to collect, review, and produce documents. That confirmatory audit is now complete, and resulted in the production of 811 documents this week.

Finally, in accordance with the ESI Order (ECF No. 142 at 26), Google has identified the population of linked documents to be produced. Those documents are now in the production process and Google expects to produce them in the coming days.

Dated: October 20, 2023

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